

May 15, 2019

Mr. Bill Wrightson  
Promaneer, LLC  
P.O. Box 403  
Kensington, Maryland 20895

Re: Manor Shopping Center  
3499 Sweet Air Road  
Jacksonville, Maryland 21131  
Forest Conservation Variance  
Tracking # 03-19-2967

Dear Mr. Wrightson:

A request for a variance from the Baltimore County Code Article 33, Title 6, Forest Conservation, was received by the Department of Environmental Protection and Sustainability (EPS) on March 27, 2019. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 0.3-acre (14,156 sf) limit of disturbance rather than the entire 13.6-acre property. The property is a retail shopping center, adjacent to Sweet Air Road and Jarrettsville Pike in the Jacksonville section of Baltimore County. The project proposes to grade 0.3-acre in order to construct improvements to the shopping center's domestic water supply. Specifically, to include grading for a new water treatment facility, future installation of two ground-mounted, water storage tanks to replace an existing, deteriorated tank, installation of water lines and demolishing and replacing existing pavement and curb. This will provide upgrades to existing facilities, where there is no public water supply. The property is not forested and consists of the shopping center, parking lots, and a small area of lawn and scattered trees adjacent to the location of the proposed work.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to make improvements and upgrades to an existing water treatment and storage facility that served the shopping center since 1980. These improvements are necessary to maintain the functionality of ongoing site operations. However, full application of the law to the entire property would not deprive the applicant of beneficial use of the property or negatively affect its value. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. Making the proposed improvements is due to unique circumstances and requirements associated with the subject property and its operation, rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only approximately 0.3-acre of the 13.6 acre property would be disturbed for the necessary improvements associated with shopping center that has been in the neighborhood for years. The use and appearance of the site will be maintained and enhanced. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no wetlands, streams or floodplains on or adjacent to the subject improvements. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any related actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on the limit of disturbance for necessary repairs and upgrades of an existing water supply and treatment facility would be consistent with the spirit and intent

Manor Shopping Center  
3499 Sweet Air  
Forest Conservation Variance  
May 15, 2019  
Page 3

of the Forest Conservation Law. This is especially true given that no impacts to forest or water quality would result from the proposed redevelopment. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with no conditions since no afforestation is required based on the 0.3-acre limit of disturbance, and no impacts to forest or specimen trees are proposed. This variance does not exempt future development of this site from complying with Baltimore County's Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request. Please have the property owner (s) sign the statement below and return a signed copy of this letter to this Department prior to building permit issuance.

If you have any questions regarding this correspondence, please call Thomas Panzarella at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

DVL/tcp